

SENATE BILL 2363
By Burchett

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 11, relative to limiting the number of non-residential methadone treatment facilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, Part 1, is amended by adding the following appropriately designated new section:

68-11-126.

(a) For purposes of determining the methadone service area as determined in subsection (b) of an existing or proposed non-residential methadone treatment facility, "host county" means the county in which the non-residential methadone treatment facility is located or is proposed to be located.

(b)

(1) The "methadone service area" or "MSA" of an existing or proposed non-residential methadone treatment facility shall be determined as follows:

(A) if the host county and the counties immediately contiguous thereto contain a total population of five hundred thousand (500,000) or

greater, then the host county and the counties immediately contiguous thereto shall comprise the MSA; or

(B) if the host county and the counties immediately contiguous thereto contain a total population of less than five hundred thousand (500,000), then the MSA shall include the host county and the counties immediately contiguous thereto and shall be expanded to include such additional adjacent counties from which the facility will most likely draw its patients, as established by evidence provided by such facility, such that the MSA shall contain a population exceeding five hundred thousand (500,000).

(2) Notwithstanding the foregoing, the counties to be included in an MSA under analysis for purposes of granting or denying a certificate of need shall never include counties that comprise the MSA of an already existing non-residential methadone treatment facility; provided, however, that non-residential methadone treatment facilities that are in operation or have already been granted a certificate of need as of the effective date of this act shall not be affected.

(c) The health facilities commission shall have no authority to approve a certificate of need for a new non-residential methadone treatment facility located within the MSA of an already existing non-residential methadone treatment facility.

(d) The department of health shall, no later than January 1, 2003, establish methadone service areas throughout the state using the criteria set forth in this section.

SECTION 2. No certificate of need of a non-residential methadone treatment center shall be issued until such time as rules promulgated by the department of health implementing this act have become effective.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.